REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

In response to objections made to claims 23 and 25, these claims have been amended so as to correct claim dependency and to correct a misspelling due to typographical error.

In response to the rejection of claim 16 under 35 U.S.C. §112, first paragraph, claim 16 has been amended so as to avoid reference to a "tangible" storage medium thus obviating this ground of rejection.

In response to the rejection of claims 1, 3-12 and 16-18 under 35 U.S.C. §112, second paragraph, claims 1, 3, 8, 10-, 12, 16 and 17 have each been amended above so as to obviate the Examiner's stated grounds for rejection. That is, where appropriate, the input received by the receiving means has been more explicitly stated; the second occurrence of "user workload" has now been followed by the word "information". The request for clarification of claim 3 is believed to have been intended with respect to claim 4. Accordingly, the phrase at issue which is found in claim 4 (but not claim 3) has been clarified as requested.

In response to the Examiner's objection to claim 8 as having an apparent gap between the last line and the rest of the claim, this claim has been amended so as to avoid such possible problem.

In response to the objection to claim 16 reciting "the apparatus", this claim has been amended at the appropriate point to refer to the "method" which is performed by a computer when executing the instructions stored on the storage medium.

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The objection to claim 7 reciting the "execution" means at lines 2-3 has now been obviated by suitable amendment of claim 7 so that there is appropriate antecedent basis for this recitation.

Accordingly, all outstanding formal issues are now believed to have been resolved in the applicant's favor.

The rejection of claims 1, 3-10, 12 and 21-29 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter is respectfully traversed.

The Examiner alleges that the recited apparatus is a "software apparatus and thus is software per se". This is not logical or correct in the real world -- to which the applicant's claims are directed. In particular, so far as the undersigned is aware, there is no such thing as "software per se". Indeed, any useful computer "software" must be tangibly embodied in machine readable media and executed by an appropriate set of computer system hardware as will be appreciated by all those having skill in the art. When a unique computer program is loaded into generic computer hardware, the result is a specific and unique new apparatus (i.e., an apparatus which performs a novel and unique *modus operandi*).

Applicant's specification clearly describes hardware as well as software and describes the invention in terms of software being executed by suitable computer hardware. Many of applicant's claims recite such novel apparatus in the form of "means plus function" elements expressly permitted by 35 U.S.C. §112, paragraph 6. Clearly applicant's claimed apparatus inventions are indeed directed to apparatus -- and thus fall squarely within the "machine" category of potentially statutory subject matter under 35 U.S.C. §101. In addition, such claimed

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apparatus clearly falls within the category of "manufacture" which is defined as statutory subject

matter under 35 U.S.C. §101.

The Examiner's allegations appear to be based upon some metaphysical analogy that has

no real world basis in the relevant technology where those having skill in the art will clearly

recognize that the claimed subject matter is a "machine" and/or a "manufacture" -- and thus

squarely falling within the ambit of potentially patentable statutory subject matter under 35

U.S.C. §101.

In any event, the Examiner has kindly suggested a way to "rectify the problem" and the

claims have been appropriately amended above in an effort to follow the Examiner's suggestion.

Accordingly, it is believed that this ground of rejection has also been overcome in the applicant's

favor.

The rejection of claims 1, 3-10, 12, 16-18 and 20-29 under 35 U.S.C. §103 as allegedly

being made "obvious" based on Bendeck in view of Scully '191 and Chaco '333 is respectfully

traversed.

Bendeck relates to a project management tool for supporting the coordination of

management activities in software development processes. A manager can model and

coordinate the tasks which are to be performed by members of the team working on the

project. As stated in the introduction, the goal of the Bendeck system is to: "coordinate

the whole software development process, providing a notification system that keeps all

team members up to date on the current project state. We try to provide everybody with

all information necessary to fulfill their tasks."

It would be clear to the skilled person that Bendeck does not relate to "apparatus for controlling the communication loads on a user" as claimed.

Bendeck also does not teach "receiving means for receiving at least one input from a human user, representative of at least one task of a first type to be performed by the information management system".

The Project Planner (PP) is a person and his/her task is to "create a project plan to reach the project goals, while heeding the project characteristics, such as available staff, general quality goals, etc."

The Project Manager (PM) is also a person and his/her responsibilities are to "assign agents (i.e. people) and other resources to the processes described in the plan, determine the processes' start and end times in accordance with milestones and deadlines dictated by the plan and to watch the project plan execution to ensure that the project stays on time and meets other quality requirements described in the plan".

In Bendeck, the input tasks are representative of tasks to be performed by other people, not information management systems forming part of the computer system as required by applicant's claim. This is because the Bendeck system is a project management tool for assisting the users (Project Planner and Project Manager etc) in managing other users (developers etc) on a project.

Since the earlier mentioned features are missing from Bendeck, it also follows that Bendeck cannot "receive information resulting from the performance of said at least one task of said first type from the information system".

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Bendeck also fails to teach the claimed "generating means" because Bendeck does not receive information as set out in the receiving means.

Furthermore, notifications generated by the Bendeck system are not responses to requests for information from a user. It is clear that notifications are pushed out to users.

Bendeck further fails to teach "scheduling means for receiving a user workload input representative of user workload identifying the user's current and future activities". There is no disclosure in Bendeck of obtaining any of the user's schedules. The passage referred to by the Examiner relates to the plan and schedule for the project as a whole not the team members implementing the project.

Bendeck also fails to disclose the second feature of the applicant's claimed scheduling means because there is no "task of a second type for communicating received information to the human user". Furthermore, it is clear that it is a human user who carries out the act of rescheduling tasks and the Bendeck system merely supports that user by tracking dependencies between tasks and notifying other users of the changes (without regard for their schedules). For example, in the Project Planner section "Since software projects tend to deviate from the plan, the PP (a human user) also needs to be able to change the plan during project execution".

The Examiner has relied on many parts of Bendeck in support of arguments. However, it is clear from a proper reading that the applicant's claimed features are not in fact disclosed. In particular, the Bendeck system is a project management support tool which pushes information resulting from the actions of one user to different other users.

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For example, sending notifications to various technical agents after a project planner or project manager has made a change to the project plan.

Scully describes a calendaring system in which events can have associated alarms and in particular, floating alarms so that a rescheduling of event results in a similar rescheduling of its associated alarm. It is clear from Scully however, that the act of rescheduling is carried out by a human user (calendar owner) and not by the Scully system. Scully therefore fails to teach even the single feature alleged by the Examiner.

Chaco merely discloses a reminder system reminding a user of his/her scheduled events. As described in column 11 lines 23 to 32, the system accesses a user's schedule to determine if any events are due. In a notification message is required, then the system locates the user and sends a notification to the closest suitable notification device.

However, Chaco does not "schedule an execution time for said task of a second type for communicating the received information to the human user so as to avoid the user's current and future activities identified by the user workload input." In particular, the schedule is only processed to determine whether a notification message is required. Notification messages are sent regardless of any conflict with other scheduled events.

The user can assert a DO-NOT-DISTURB state to block reception of the notification messages. However, in such a case, the system does not reschedule the message but merely polls for the removal of the DO-NOT-DISTURB state. Once it has been removed, then the message is delivered to the user.

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It would not have been obvious to the skilled person in the art at the relevant time to combine the teachings of Bendeck, Scully and Chaco because they each relate to different technical fields. Indeed it would be illogical to do so. For example, combining the DO-NOT-DISTURB feature of Chaco with Bendeck would be disadvantageous to a system which aims to improve integration and coordination of management activities.
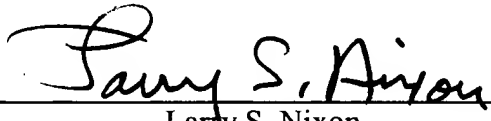
Even if Bendeck, Scully and Chaco were to be combined arguendo, the resulting hodge-podge of a system would also fail to teach the above-noted features not disclosed in Bendeck. In particular, neither Scully or Chaco are not concerned with controlling the communication loads placed upon a human user by a computer system and do not include information management systems. As a consequence the resultant "system" would not have the receiving means, generating means or scheduling means as recited in the claims

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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